REMARKS

As of the date of the Office Action mailed September 4, 2008 ("Office Action"), Claims 79-91 were pending in this application. Claims 90 and 91 have been cancelled without prejudice in the present amendment. Claim 79 has been amended.

Section 103 Rejections

In the Office Action, claims 79-91 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,588,732 to Caceres et al. ("Caceres") in view of U.S. Pat. No. 3,801,072 to Newberry, Jr. ("Newberry") and U.S. Patent Application Publication 2001/0047741 to Gleeson et al ("Gleeson"). With respect to the rejections as applied to Claims 90 and 91, these claims have been cancelled without prejudice in the present amendment and as such, Applicants submit that the rejections with respect to these claims are rendered moot.

Independent claim 79 has been amended to recite a fencing system containing among other things "an elongated member comprising fiber cement having fibers, the elongated member having at least a front surface and a back surface" and a "pattern provided on each of the front surface and the back surface of the elongated member, wherein said pattern is provided using a plurality of rollers, wherein each roller has a textured surface and is adapted to turn at a predetermined speed relative to the elongated member to achieve a high fidelity transfer of the pattern to the front surface and the back surface of the elongated member" "wherein the pattern is formed of the same material as the elongated member" and "wherein the pattern is consistent and repeatable on each of the front surface and the back surface of the elongated member."

Applicant submits that neither Caceres, nor Gleeson nor Newberry, alone or in combination, discloses or suggests a fencing system as recited in Applicants' claims. Caceres is directed to a fiberglass fencing system using elongated components made of fiberglass plastic (Abstract). Caceres does not disclose or suggest fencing components made of fiber cement, or the use of a pattern, or a pattern formed of the same material as its fence component. Caceres discloses that its fiberglass fence component may have a texture by using a structural support material - "resin impregnated reinforcing fiber mesh" - which is incorporated into the underlying components and drawn through the shaping die. *See* Caceres Col. 3, lines 29-38. Given the nature of the fiber mesh/scrim material, this material would be randomly dispersed within the

fence component and would not form a pattern consistent and repeatable on opposing sides of the fiberglass fence component.

With respect to Newberry, Newberry's fiberglass fence panel is formed by coating an existing fence material with mold release wax, which is applied with a stiff bristle brush to "force the wax into the crevices and cracks of the fence material so that the fiberglass will not adhere to the fence." *See* Col. 2, lines 29-31. In fact, "care should be taken to avoid filing the cracks…if too much wax is applied, the rough finish will not be reproduced in the mold." *See* Col. 2, lines 32-34. After this step, the mold requires various components (including providing a sheet of fiberglass mat, fiberglass cloth, and polyurethane resin) in multiple layers which must cure for long period of time ("preferably the three layer step is repeated two to three times, allowing approximately 24 hours for each layer to cure."). *See* Col. 2, lines 62-64.

After the layers of polyurethane resin and fiberglass mat have cured, the "composite laminated structure" or mold is lifted from the face of the existing "model" fence panel. This mold face must then be "sanded or otherwise treated to remove undesired blemishes or irregularities" and "treated with a mold release wax" and "buffed with a soft cloth or like to produce the desired finish." *See* Col. 3, lines 13-18. In fact, "three separate coats of mold release wax are preferably applied to the mold face and buffed to produce the desired release surface." *See* Col. 3, lines 18-21. Newberry acknowledges that using this method, "only the front major face of the panel will exhibit the physical appearance of the model fence." If it is desired to exhibit the appearance of the model fence on the back side of the panel, then "two negative impression molds" are required to be made. *See* Col. 3, lines 47-49. Given that two separate molds are required (produced with numerous irregularities as described above), one of skill in the art would not expect to produce a pattern that is "consistent and repeatable" "on each of the front surface and the back surface" of the fiberglass fencing panel, resulting in a "high fidelity" pattern.

Applicant submits that none of the cited art of record, either alone or in combination, discloses or suggests a fencing system as disclosed in Applicants' claims. One of ordinary skill in the art would not be motivated to use the formulation of Gleeson in, or modify, the fiberglass fencing system of Caceres - which requires use of a structural fiber mesh to provide texture to the surface and which is formed via a pultrusion method and then hardened in an oven – with

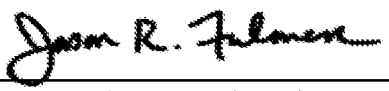
Newberry's fiberglass panel formed by a molding method as described above – to achieve Applicants' fencing system as recited in Applicants' present claims. Applicants further submit that none of the cited references, alone or in combination, disclose or suggest all of Applicants' claim limitations, for example, a pattern "provided using a plurality of rollers, wherein each roller has a textured surface and is adapted to turn at a predetermined speed relative to the elongated member to achieve a high fidelity transfer of the pattern to the front surface and the back surface of the elongated member", or a pattern "formed of the same material as the elongated member" or a fencing component containing a pattern that is "consistent and repeatable on each of the front surface and the back surface of the elongated member" for example, as recited in Applicants' Independent claim 79.

For all the reasons set forth above, Applicants respectfully request withdrawal of the rejections under Section 103 and allowance of pending claims 79-89.

CONCLUSION

In light of the amendments and remarks set forth above, Applicants respectfully submit that the Application is now in allowable form. Accordingly, Applicants respectfully request consideration and allowance of the currently pending claims. It is believed that no additional fees are due at this time. If this is incorrect, Applicants hereby authorize the Commissioner to charge any fees, other than issue fees, that may be required by this paper to Deposit Account No. 07-0153. The Examiner is respectfully requested to call Applicants' Attorney for any reason that would advance the current application to issue.

Respectfully submitted,



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